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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

| EXAMINER | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/766,926 | SASHIDA ET AL. | |
| | Examiner | Art Unit | |
| | ROBERT TIMBLIN | 2167 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *20 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

This Office Action corresponds to application 10/766,926 filed 1/30/2004. Response to arguments begins on page 19 of this action.

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2008 has been entered.

### *Response to Amendment*

Applicant has amended claims 1, 6, 11-15 and added new claims 16-17. Accordingly, claims 1-17 are currently pending.

### *Claim Objections*

In the presently amended claims 1, 6, and 11-15, the language “suggesting” and “should” is objected to because these phrases are only suggesting that an act be performed while not requiring it to be done. Therefore, the claims recite optionality of limitations and may be construed as indefinite.

***35 USC § 101***

In accordance with the present amendments, the system as found in claims 1, 6, and 15 is best interpreted to be a hardware system. Therein the computer and storage apparatus as supported by figure 11 as well as the present specification at page 14 lines 14-28 are best seen as hardware components in a system and obviate the system as software per se system. Therefore, the previous 35 U.S.C. 101 rejection is withdrawn

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 11, 13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier (U.S. Patent 6,587,847) in view of Britt et al. ('Britt' hereafter) U.S. Patent 6,161,017.

With respect to claim 1, Stier teaches A database search system for searching a database for data, comprising:

a unit which measures an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19) requested by a user (13);

a unit which receives (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) from a user when it is determined that the problem occurs (col. 8 line 59-63; i.e. a user creates a memo outlining a problem);

a unit which outputs (510) a request signal suggesting the user should input information on the problem occurring during the search processing as a know-how message when determining that the problem as occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base).

a unit which stores (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value.

Britt, however, teaches a which determines that a problem occurs during the search processing when the input number (figure 2, drawing references 25-31) measured at the end of the search processing exceeds a predetermined threshold value

(27 or 31 of figure 2 and col. 3 line 60-67) for determining an error during a search processing.

In the same field of endeavor, (i.e. determining a problem occurrence during a search session), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Britt would have given Stier a way to determine the occurrence of an error after a number of queries have been counted for the benefit of indicating a problem. Such a benefit would have been realized by Stier to analyze and review in order to improve the use and searchability of their knowledge base when trying to improve their knowledge hit rate metric 434 (e.g. see Stier at col. 11 line 30-35).

With respect to claim 2, Stier teaches the database search system according to claim 1, wherein during execution of the search processing, the search conditions input by the user are compared (col. 8 line 17-33, i.e. Stier discloses finding a unique query and response) with search conditions stored in the know-how database (drawing reference 35) every time the search conditions are received (col. 8 line 17-33), and in a case where a predetermined number of one or more search conditions are matched with each other, the know-how message associated with the search conditions (col. 8 line 17-18, i.e. combined query and response) stored in the know-how database is output to the user (col. 8 line 42-54).

With respect to claim 3, the database search system according to claim 1, wherein when the user inputs the message on know-how message, another or a plurality of users to be provided with the know-how message is specified, and the know-how message is output only to the another or plurality of users (col. 8 line 61-63, i.e. Stier discloses review of a created memo by authors and analysts).

With respect to claim 5, Stier teaches the database search system according to claim 1, wherein when the user inputs the know-how message on know-how, the search condition which is associated with know-how (col. 8 line 17-18, i.e. combined query and response) is selectable by the user from a plurality of the search conditions (col. 8 line 47-54).

With respect to claim 11, A database search method for searching a database for data, comprising;

measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of a search processing (col. 12 line 18-19) requested by a user (13);

outputting a request signal suggesting the user to input information on the problem occurring during the search processing as a know-how message, when

determining that the problem has occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base);

receiving (figure 1e, drawing reference 20) an input of a know-how message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) in response to the input number measured (drawing reference 401, query counter, and figures 8-9) at the end of the search processing exceeding a predetermined threshold value (col. 9 line 1-5, col. 3 line 19-21); and

a unit for storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach determining that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value.

Britt, however, teaches a unit for determining that a problem occurs during the search processing when the input number (figure 2, drawing references 25-31) measured at the end of the search processing exceeds a predetermined threshold value

(27 or 31 of figure 2 and col. 3 line 60-67) for determining an error during a search processing.

In the same field of endeavor, (i.e. determining a problem occurrence during a search session), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Britt would have given Stier a way to determine the occurrence of an error after a number of queries have been counted for the benefit of indicating a problem. Such a benefit would have been realized by Stier to analyze and review in order to improve the use and searchability of their knowledge base.

With respect to claim 13, A program product storing a computer-executable program for embodying a database search method for searching a database for data in a recording medium, the program comprising instructions for allowing a computer to execute the following operations of:

measuring an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19) requested by a user (13);

outputting a request signal suggesting the user to input information on the problem occurring during the search processing as a know-how message, when determining that the problem has occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base);

receiving (figure 1e, drawing reference 20) an input of the know-how message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from the user (drawing reference 3, figure 5) when it is determined that the problem occurs (col. 8 line 59-63; i.e. a user creates a memo outlining a problem);

storing (drawing reference 35) the input know-how message (figure 5) in a know-how database (drawing reference 35) under a condition that the input know-how message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach a unit for determining that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value.

Britt, however, teaches a unit for determining that a problem occurs during the search processing when the input number (figure 2, drawing references 25-31) measured at the end of the search processing exceeds a predetermined threshold value (27 or 31 of figure 2 and col. 3 line 60-67) for determining an error during a search processing.

In the same field of endeavor, (i.e. determining a problem occurrence during a search session), it would have been obvious to one of ordinary skill in the data

processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Britt would have given Stier a way to determine the occurrence of an error after a number of queries have been counted for the benefit of indicating a problem. Such a benefit would have been realized by Stier to analyze and review in order to improve the use and searchability of their knowledge base.

With respect to claim 15, A database search system for searching a database for data, comprising:

a computer comprising:

a unit which measures an input number of search conditions (drawing reference 401, query counter, and figures 8-9) input during a period from a start to an end of search processing (col. 12 line 18-19) requested by a user (13);

a unit which outputs a request signal suggesting the user should input information on the problem occurring during the search processing as a know-how message, when determining that the problem has occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base);

a unit which receives (figure 1e, drawing reference 20) an input of a know-how message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) occurring during the search processing (col. 8 line 56-63);

Stier does not expressly teach a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value.

Britt, however, teaches a which determines that a problem occurs during the search processing when the input number (figure 2, drawing references 25-31) measured at the end of the search processing exceeds a predetermined threshold value (27 or 31 of figure 2 and col. 3 line 60-67) for determining an error during a search processing.

In the same field of endeavor, (i.e. determining a problem occurrence during a search session), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Britt would have given Stier a way to determine the occurrence of an error after a number of queries have been counted for the benefit of indicating a problem. Such a benefit would have been realized by Stier to analyze and review in order to improve the use and searchability of their knowledge base.

With respect to claim 16, Stier teaches wherein the end of the search processing is determined by detecting that an elapsed time after inputting a search condition is longer than a predetermined time (col. 2 line 59-63; i.e. monitoring the number of requests given in a certain period of time).

Claims 6-8, 10, 12, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier in view of Jason Schmidt ('Schmidt') ("Finding and Fixing Troublesome Long-Running Ingres Queries. Comprehensive Consulting Solutions Inc. p. 1-8, May 2000).

With respect to claim 6, Stier teaches A database search system for searching a database for data, comprising:

a unit which measures a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time) requested by a user (13);

a unit which outputs a request signal suggesting the user should input information on the problem occurring during the search processing as know-how message (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base);

a unit which receives (figure 1e, drawing reference 20) an input of a know-how message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) occurring during the search processing from a user, said know-how information be requested when it is determined that the problem occurs (col. 8 line 59-63; i.e. a user creates a memo outlining a problem); and

a storage apparatus which stores(drawing reference 35) the input know-how message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input

during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach a unit which determines that a problem occurs during the search processing when the necessary time measured at the end of the search processing exceeds a predetermined threshold value;

Schmidt, however, teaches a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value (page 1, overview and page 2 and the section labeled 'System'; i.e. Schmidt discloses a system that detects long-running queries that pass over a given threshold);

In the same field of endeavor, (i.e. detecting problems in information processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Schmidt would have given Stier the notification of a problem with a search exceeding a time threshold for the benefit of giving analysts a way to improve the searchability and use of their knowledge base.

With respect to claim 7, the database search system according to claim 1, wherein during execution of the search processing, the search conditions input by the user are compared (col. 8 line 17-33, i.e. Stier discloses finding a unique query and response) with search conditions stored in the know-how database (drawing reference

35) every time the search conditions are received (col. 8 line 17-33), and in a case where a predetermined number of one or more search conditions are matched with each other, the know-how message associated with the search conditions (col. 8 line 17-18, i.e. combined query and response) stored in the know-how database is output to the user (col. 8 line 42-54).

With respect to claim 8, the database search system according to claim 1, wherein when the user inputs the know-how message on know-how, another or a plurality of users to be provided with the message is specified, and the message is output only to the another or plurality of users (col. 8 line 61-63, i.e. Stier discloses review of a created memo by authors and analysts).

With respect to claim 10, the database search system according to claim 6, the database search system according to claim 1, wherein when the user inputs the message on know-how, the search condition which is associated with know-how (col. 8 line 17-18, i.e. combined query and response) is selectable by the user from a plurality of the search conditions (col. 8 line 47-54).

With respect to claim 12, A database search method for searching a database for data, comprising;

measuring a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time) requested by a user (13);

outputting a request signal suggesting the user should input information on the problem occurring during the search processing as a know-how message, when determining that the problem has occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base).

receiving (figure 1e, drawing reference 20) an input of a message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) when it is determined that the problem occurs; and

storing (drawing reference 35) the input message (figure 5) in a know-how database (drawing reference 35) under a condition that the input message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach a unit which determines that a problem occurs during the search processing when the necessary time measured at the end of the search processing exceeds a predetermined threshold value;

Schmidt, however, teaches a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search

processing exceeds a predetermined threshold value (page 1, overview and page 2 and the section labeled 'System'; i.e. Schmidt discloses a system that detects long-running queries that pass over a given threshold);

In the same field of endeavor, (i.e. detecting problems in information processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Schmidt would have given Stier the notification of a problem with a search exceeding a time threshold for the benefit of giving analysts a way to improve the searchability and use of their knowledge base.

With respect to claim 14, A program product storing a computer-executable program for embodying a database search method for searching a database for data in a recording medium, the program comprising instructions for allowing a computer to execute the following operations of:

measuring a necessary time (figure 13) taken from a start to an end of search processing (col. 11 line 47-51, i.e. turnaround time) requested by a user (13);

outputting a request signal suggesting the user should input information on the problem occurring during the search processing as a know-how message, when determining that the problem has occurred (col. 8 line 56; i.e. a memo presented to a user suggesting that the knowledge should be added to the knowledge base).

receiving (figure 1e, drawing reference 20) an input of a know-how message (figure 5) describing know-how information (drawing reference 3, figure 5) about a problem (drawing reference 2) corresponding to contents of the search processing from a user (agent 13), said know-how information (drawing reference 3, figure 5) being requested (col. 3 line 19-21, col. 9 line 1-6) from a user (drawing reference 3, figure 5) when it is determined that the problem occurs; and

storing (drawing reference 35) the input know-how message (figure 5) in a know-how database (drawing reference 35) under a condition that the input know-how message (figure 5) is associated with all the search conditions input during an execution period of the search processing (col. 9 line 18-22 and col. 12 line 55-58).

Stier does not expressly teach a unit which determines that a problem occurs during the search processing when the necessary time measured at the end of the search processing exceeds a predetermined threshold value;

Schmidt, however, teaches a unit which determines that a problem occurs during the search processing when the input number measured at the end of the search processing exceeds a predetermined threshold value (page 1, overview and page 2 and the section labeled ‘System’; i.e. Schmidt discloses a system that detects long-running queries that pass over a given threshold);

In the same field of endeavor, (i.e. detecting problems in information processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the

teachings of Schmidt would have given Stier the notification of a problem with a search exceeding a time threshold for the benefit of giving analysts a way to improve the searchability and use of their knowledge base.

With respect to claim 17, Stier teaches wherein the end of the search processing is determined by detecting that an elapsed time after inputting a search condition is longer than a predetermined time (col. 2 line 59-63; i.e. monitoring the number of requests given in a certain period of time).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stier and Britt as applied to claims 1-3, 5, 11, 13, and 15-16 above, and further in view of Birkhoelzer et al. ('Birkhoelzer' hereafter) (U.S. Patent Application 2003/0140030).

**Comment [r1]:** Separted claim 4 rejection

With respect to claim 4, Stier and Britt fail to explicitly teach wherein the message is voice data storing uttered contents of the user.

Birkhoelzer, however, teaches wherein the message is voice data storing uttered contents of the user (paragraph [0036] for storing voice data.

In the same field of endeavor, (i.e. input storage), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Birkhoelzer would have given Stier and Britt an efficient method to store input data, such as voice data, for the benefit of having a simple way of communicating data, such as a memo, to a computer.

Birkhoelzer discloses in paragraph [0004] of inputting memos in a datafile that a user agent (13) of Stier could have used for a more user-friendly system.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stier and Schmidt as applied to claims 6-8, 10, 12, 14 and 17 above, and further in view of Birkhoelzer.

Comment [r2]: Separated claim 9 rejection

With respect to claim 9, Stier and Schmidt fail to explicitly teach wherein the message is voice data storing uttered contents of the user.

Birkhoelzer, however, teaches wherein the message is voice data storing uttered contents of the user (paragraph [0036] for storing voice data.

In the same field of endeavor, (i.e. input storage), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Birkhoelzer would have given Stier and Schmidt an efficient method to store input data, such as voice data, for the benefit of having a simple way of communicating data, such as a memo, to a computer. Birkhoelzer discloses in paragraph [0004] of inputting memos in a datafile that a user agent (13) of Stier could have used for a more user-friendly system.

***Response to Arguments***

Applicant's arguments filed in the reply dated 6/20/2008 have been fully considered but they are not persuasive.

Applicant argues on page 8 of the reply, Applicant argues that Stier does not teach how to cause agent 13 to recognize the problem with the knowledge base or that the knowledge that should be added to the knowledge base. The Examiner respectfully disagrees and asserts that Stier teaches an agent recognizing a problem and subsequently inputting a memo concerning the problem (e.g. col. 8 line 56-64). In other words, this is a cause for inputting a memo (i.e. know-how information).

Applicant further argues in the second paragraph of page 8, that Stier does not teach the outputting of a request signal suggesting the user should input information. In respect, the Examiner traverses because Stier explicitly teaches she [agent] may create a memo outlining the problem with the knowledge base and suggests the knowledge that *should be added* to the knowledge base (col. 8 line 58-61). In other words, Stier's system presents a template of a memo (e.g. figure 5) of information describing a problem that should be added. In this regard, the user is "prompted" to enter information and therefore Stier's system teaches the claimed output of a request signal suggesting the user should input information.

In further remarks, it appears that the Applicant is attempting to automate a manual activity which is not sufficient to overcome the prior art. For example, the Applicant argues that their *system* is capable of determining when a problem occurs while Stier discloses an agent detecting a problem. By arguing that a system performs a manual process, this argument is found unpersuasive because it is insufficient to overcome the prior art. See further MPEP which relates to automating a manual activity. From MPEP 2144.04:

*In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).*

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application U.S. Patent 7,376,620 to Kay et al. The subject matter disclosed therein pertains to the pending claims (i.e. quality of information retrieval).

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/
Examiner, Art Unit 2167

/Luke S. Wassum/
Primary Examiner
Art Unit 2167